



General Assembly

**Substitute Bill No. 952**

January Session, 2011

\* \_\_\_\_SB00952JUD\_\_040711\_\_ \*

**AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE  
OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE  
CENTERS AND PUBLIC HOUSING PROJECTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-267 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No person shall use or possess with intent to use drug  
4 paraphernalia, as defined in subdivision (20) of section 21a-240, to  
5 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
6 convert, produce, process, prepare, test, analyze, pack, repack, store,  
7 contain or conceal, or to ingest, inhale or otherwise introduce into the  
8 human body, any controlled substance as defined in subdivision (9) of  
9 section 21a-240. Any person who violates any provision of this  
10 subsection shall be guilty of a class C misdemeanor.

11 (b) No person shall deliver, possess with intent to deliver or  
12 manufacture with intent to deliver drug paraphernalia knowing, or  
13 under circumstances where one reasonably should know, that it will  
14 be used to plant, propagate, cultivate, grow, harvest, manufacture,  
15 compound, convert, produce, process, prepare, test, analyze, pack,  
16 repack, store, contain or conceal, or to ingest, inhale or otherwise  
17 introduce into the human body, any controlled substance. Any person  
18 who violates any provision of this subsection shall be guilty of a class  
19 A misdemeanor.

20 (c) Any person who violates subsection (a) or (b) of this section in or

21 on, or within one thousand five hundred feet or, in a town having a  
22 population in excess of sixty thousand, two hundred feet of the  
23 perimeter of, the real property comprising a public or private  
24 elementary or secondary school during regular school hours or the  
25 hours of any school-sponsored activity conducted on such property  
26 where students are present and who is not enrolled as a student in  
27 such school shall be imprisoned for a term of one year, which [shall not  
28 be suspended and] shall be in addition and consecutive to any term of  
29 imprisonment imposed for violation of subsection (a) or (b) of this  
30 section.

31 Sec. 2. Section 21a-278a of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective October 1, 2011*):

33 (a) Any person eighteen years of age or older who violates section  
34 21a-277 or 21a-278, and who is not, at the time of such action, a drug-  
35 dependent person, by distributing, selling, prescribing, dispensing,  
36 offering, giving or administering any controlled substance to another  
37 person who is under eighteen years of age and is at least two years  
38 younger than such person who is in violation of section 21a-277 or 21a-  
39 278, shall be imprisoned for a term of two years, which shall not be  
40 suspended and shall be in addition and consecutive to any term of  
41 imprisonment imposed for violation of section 21a-277 or 21a-278.

42 (b) Any person who violates section 21a-277 or 21a-278 by  
43 manufacturing, distributing, selling, prescribing, dispensing,  
44 compounding, transporting with the intent to sell or dispense,  
45 possessing with the intent to sell or dispense, offering, giving or  
46 administering to another person any controlled substance in or on, or  
47 within one thousand five hundred feet or, in a town having a  
48 population in excess of sixty thousand, two hundred feet of the  
49 perimeter of, the real property comprising (1) a public or private  
50 elementary or secondary school [, a public housing project] during  
51 regular school hours or the hours of any school-sponsored activity  
52 conducted on such property where students are present, or (2) a  
53 licensed child day care center, as defined in section 19a-77, [that]

54 during the operating hours of such center, which center is identified as  
55 a child day care center by a sign posted in a conspicuous place, shall be  
56 imprisoned for a term of three years, which [shall not be suspended  
57 and] shall be in addition and consecutive to any term of imprisonment  
58 imposed for violation of section 21a-277 or 21a-278. To constitute a  
59 violation of this subsection, an act of transporting or possessing a  
60 controlled substance shall be with intent to sell or dispense in or on, or  
61 within one thousand five hundred feet or, in a town having a  
62 population in excess of sixty thousand, two hundred feet of the  
63 perimeter of, the real property comprising (A) a public or private  
64 elementary or secondary school [, a public housing project] during  
65 regular school hours or the hours of any school-sponsored activity  
66 conducted on such property where students are present, or (B) a  
67 licensed child day care center, as defined in section 19a-77, [that]  
68 during the operating hours of such center, which center is identified as  
69 a child day care center by a sign posted in a conspicuous place. [For  
70 the purposes of this subsection, "public housing project" means  
71 dwelling accommodations operated as a state or federally subsidized  
72 multifamily housing project by a housing authority, nonprofit  
73 corporation or municipal developer, as defined in section 8-39,  
74 pursuant to chapter 128 or by the Connecticut Housing Authority  
75 pursuant to chapter 129.]

76 (c) Any person who employs, hires, uses, persuades, induces,  
77 entices or coerces a person under eighteen years of age to violate  
78 section 21a-277 or 21a-278 shall be imprisoned for a term of three  
79 years, which shall not be suspended and shall be in addition and  
80 consecutive to any term of imprisonment imposed for violation of  
81 section 21a-277 or 21a-278.

82 Sec. 3. Section 21a-279 of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2011*):

84 (a) Any person who possesses or has under his control any quantity  
85 of any narcotic substance, except as authorized in this chapter, for a  
86 first offense, may be imprisoned not more than seven years or be fined

87 not more than fifty thousand dollars, or be both fined and imprisoned;  
88 and for a second offense, may be imprisoned not more than fifteen  
89 years or be fined not more than one hundred thousand dollars, or be  
90 both fined and imprisoned; and for any subsequent offense, may be  
91 imprisoned not more than twenty-five years or be fined not more than  
92 two hundred fifty thousand dollars, or be both fined and imprisoned.

93 (b) Any person who possesses or has under his control any quantity  
94 of a hallucinogenic substance other than marijuana or four ounces or  
95 more of a cannabis-type substance, except as authorized in this  
96 chapter, for a first offense, may be imprisoned not more than five years  
97 or be fined not more than two thousand dollars or be both fined and  
98 imprisoned, and for a subsequent offense may be imprisoned not more  
99 than ten years or be fined not more than five thousand dollars or be  
100 both fined and imprisoned.

101 (c) Any person who possesses or has under his control any quantity  
102 of any controlled substance other than a narcotic substance, or a  
103 hallucinogenic substance other than marijuana or who possesses or has  
104 under his control less than four ounces of a cannabis-type substance,  
105 except as authorized in this chapter, for a first offense, may be fined  
106 not more than one thousand dollars or be imprisoned not more than  
107 one year, or be both fined and imprisoned; and for a subsequent  
108 offense, may be fined not more than three thousand dollars or be  
109 imprisoned not more than five years, or be both fined and imprisoned.

110 (d) Any person who violates subsection (a), (b) or (c) of this section  
111 in or on, or within one thousand five hundred feet or, in a town having  
112 a population in excess of sixty thousand, two hundred feet of the  
113 perimeter of, the real property comprising (1) a public or private  
114 elementary or secondary school during regular school hours or the  
115 hours of any school-sponsored activity conducted on such property  
116 where students are present and who is not enrolled as a student in  
117 such school, or (2) a licensed child day care center, as defined in  
118 section 19a-77, [that] during the operating hours of such center, which  
119 center is identified as a child day care center by a sign posted in a

120 conspicuous place, shall be imprisoned for a term of two years, which  
 121 [shall not be suspended and] shall be in addition and consecutive to  
 122 any term of imprisonment imposed for violation of subsection (a), (b)  
 123 or (c) of this section.

124 (e) As an alternative to the sentences specified in subsections (a) and  
 125 (b) and specified for a subsequent offense under subsection (c) of this  
 126 section, the court may sentence the person to the custody of the  
 127 Commissioner of Correction for an indeterminate term not to exceed  
 128 three years or the maximum term specified for the offense, whichever  
 129 is the lesser, and at any time within such indeterminate term and  
 130 without regard to any other provision of law regarding minimum term  
 131 of confinement, the Commissioner of Correction may release the  
 132 convicted person so sentenced subject to such conditions as he may  
 133 impose including, but not limited to, supervision by suitable authority.  
 134 At any time during such indeterminate term, the Commissioner of  
 135 Correction may revoke any such conditional release in his discretion  
 136 for violation of the conditions imposed and return the convicted  
 137 person to a correctional institution.

138 (f) To the extent that it is possible, medical treatment rather than  
 139 criminal sanctions shall be afforded individuals who breathe, inhale,  
 140 sniff or drink the volatile substances defined in subdivision (49) of  
 141 section 21a-240.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	21a-267
Sec. 2	October 1, 2011	21a-278a
Sec. 3	October 1, 2011	21a-279

**JUD**      *Joint Favorable Subst.*